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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,160	05/29/2001	Wolfgang Renger	449122003100	3547
25227	7590	05/05/2004	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			NGUYEN, DUSTIN	
			ART UNIT	PAPER NUMBER
			2154	6

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/763,160	RENGER, WOLFGANG	
	Examiner	Art Unit	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 June 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. Claims 1 – 7 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biegel et al. [US Patent No 5,608,720], in view of Ghirnikar et al. [US Patent No 6,381,241].
4. As per claim 1, Biegel discloses the invention substantially as claimed including a method for controlling a switching system which has a central control unit and a number of peripheral terminal devices, comprising:

sending a job message from one of the terminal devices to the control unit [Abstract; and col 16, lines 13-16],
performing switching control actions by the control unit based on the job message [col 30, lines 9-28]; and
sending a corresponding performance message from the control unit to the terminal device when the switching control actions are successfully performed [col 17, lines 29-41],
wherein

at the terminal devices, any open job message for which the associated performance message has not yet arrived after expiration of a specified wait time from the time of sending is resent to the control unit [col 16, lines 25-32].

Biegel does not specifically disclose

at the control unit, actions of the switching control based on an arrived job message are skipped if they were already processed by means of earlier job messages and/or are to be omitted on the bases of a preset rule.

Ghirnikar discloses

at the control unit, actions of the switching control based on an arrived job message are skipped if they were already processed by means of earlier job messages and/or are to be omitted on the bases of a preset rule [i.e. discard] [Figure 2B; and col 6, lines 6-14].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Biegel and Ghirnikar because Ghirnikar's teaching would allow to reduce transmission requests and communicate in a more efficient manner.

5. As per claim 2, Biegel discloses wherein when the job message is resent by the terminal device, the wait time for the arrival of the associated performance message starts to run again [col 16, lines 12-22].

6. As per claim 3, Biegel discloses wherein at the terminal device, the wait time is determined individually according to a preset rule as a function of the type of job message [col 19, lines 5-18].

7. As per claim 4, Biegel discloses wherein at the terminal device the sending of additional job messages is delayed upon exhaustion of a send window which describes a preset maximum number of job messages not answered by a performance message [col 19, lines 39-50].

8. As per claim 5, Biegel does not specifically disclose wherein the send window comprises two job messages. Ghirnikar discloses wherein the send window comprises two job messages [Figure 2B]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Biegel and Ghirnikar because Ghirnikar's teaching would allow to reduce communication traffic to increase system wide performance.

9. As per claim 6, Biegel discloses wherein additional job messages whose sending is delayed owing to the exhaustion of the send window are buffered in a queue [col 15, lines 23-25].

10. As per claim 7, Biegel discloses wherein at the control unit an acknowledgement message by the control unit to the terminal device is omitted in the event of an interruption of the performed actions owing to an error [col 14, lines 10-14].

11. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for

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response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

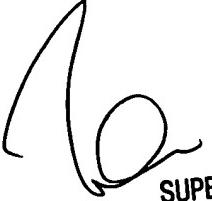
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 305-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100